

PUBLIC HEARING - September 4, 2007

Ordinance: Amending Zoning Ordinance Sec. 1506 Signs in DT Zone; Resolutions: Carry over Capital Appropriation; Carry over Grant Appropriations; Carry over School Appropriation.
Mayor Danderson opened the public hearing at 7:35 PM. There being no one wishing to speak for or against the subject matters, Mayor Danderson closed the public hearing at 7:37 p.m. The Mayor and Council continued the Work Session at this time.

REGULAR CITY COUNCIL MEETING - TUESDAY, SEPTEMBER 4, 2007

Mayor Danderson called the regular City Council Meeting to order at approximately 8:25 p.m. The pledge of allegiance to the flag preceded roll call. Present: Councilors Bigelow, Donovan, Nelson, Lafleur, Poulin, Cusson and Grenier. Also present: City Manager MacQueen, Pam Laflamme, Andre Caron & the press.

Minutes, Previous Meetings Councilor Poulin moved with a second by Councilor Nelson to accept the minutes of the 8/20/07 WS; 8/20/07 Reg. Meeting; 8/27/07 WS. So moved, the motion carried.

Disbursements: It was recommended by the Committee on Accounts/Claims that all bills start date 8/21/07; end date 9/04/2007 for a total cash disbursement of \$702,451.03 Draft #1549. Councilor Nelson moved with a second by Councilor Poulin to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS: No public comments

1. Council Committee Reports. No Reports
2. Ordinance amending the Zoning Ordinance, Sec. 1506, Signs in the Downtown Zone. (tabled 8/20/2007)
Be it ordained by the City Council of the City of Berlin, as follows: **ARTICLE XV SIGNS, Section 1506.** Signs Allowed By Permit Only.
 3. Signs in the Downtown Zone: In the Downtown (DT) zone, the following provisions regarding all signs shall apply:
 - a. The maximum total sign area per lot is one hundred forty (140) square feet.
 - b. One (1) freestanding sign is permitted per lot with a maximum area of thirty-two (32') square feet and a maximum height of twenty-five (25') feet from the ground. The sign must be setback a minimum of ten feet (10') from any property line.
 - c. One (1) wall sign is permitted per building facade which faces a street or pedestrian way. The height of a wall sign shall not exceed four feet (4') and the width shall not exceed the facade width or thirty-two feet (32'), whichever is less.
 - d. One (1) projecting sign is permitted per business with a maximum area of sixteen (16) square feet and no dimension shall exceed six feet (6').
 - e. One (1) awning sign is permitted per business, the maximum area of which shall not exceed twenty-five percent (25%) of the vertical surface area of the awning itself.
 - f. Window signs are permitted provided that they do not exceed thirty-three percent (33%) of the window area.

This Ordinance shall be in full force and effect from and after passage

 - Councilor Lafleur moved with a second by Councilor Nelson to have the ordinance, removed from the table at this time. Councilor Poulin opposed the motion. So noted, the motion carried.
 - Councilor Lafleur moved with a second by Councilor Nelson to have the ordinance, read a second time by title only. Councilor Poulin opposed the motion. So noted, the motion carried.
 - Councilor Lafleur moved with a second by Councilor Nelson to have the ordinance, read a third time by title only. Councilor Poulin opposed the motion. So noted, the motion carried.
 - Councilor Lafleur moved with a second by Councilor Nelson to pass the ordinance, 7 affirmative votes, 1 vote opposed (Councilor Poulin) Mayor Danderson declared the ordinance, now passed.
3. Resolution carrying over Capital Appropriations for the year ended June 30, 2007, which are not yet expended. (tabled 8/20/07) Resolved by the City Council of the City of Berlin as follows: That the following Capital Appropriation funds (including carryover Capital Improvement funds) for the year ended June 30, 2007, be carried over as described below:

From Account #	Purpose	Request	City Manager Recommendation	Total
	Assessor			
01-402-119-5000	BTLA - Avitar	\$174.75	\$0.00	
01-402-210-5000	Service Contracts - Maps	\$2,300.00	\$2,300.00	
	Total Assessor			\$2,300.00
	Personnel Benefits			
01-410-716-0000	Comp Est	\$36,539.00	\$10,500.00	
	Total Personnel Benefits			\$10,500.00
	Police			
01-420-708-0000	Anticipated Severance	\$8,150.00	\$0.00	
01-420-709-0000	Health Insurance	\$13,100.00	\$0.00	
	Total Police			\$0.00
	Fire			
01-421-216-1000	Training Schools	\$13,615.81	\$0.00	
01-421-913-2000	Replacement Equipment	\$3,000.00	\$0.00	
	Total Fire			\$0.00

	Health			
01-440-730-0000	Emergency Management Plan	\$5,000.00	\$0.00	
	Total Health			\$0.00
	Recreation			
01-450-612-3500	Jericho Electricity	\$325.00	\$0.00	
01-450-625-0000	Maine Road Rally	\$500.00	\$0.00	
	Total Recreation			\$0.00
	School			
01-462-995-0301	CTE Renovation - State Funds	\$172,693.62	\$172,693.62	
01-462-995-0302	CTE Renovation - Local Funds	\$57,570.21	\$57,570.21	
	Total School			\$230,263.83
	Capital Improvements			
01-480-905-0001	Assessors Avitar	\$1,692.60	\$1,692.60	
01-480-913-0002	Sidewalk Replacement	\$10,000.00	\$10,000.00	
01-480-913-0003	Retaining Wall Repair/Replacement	\$10,000.00	\$10,000.00	
01-480-913-0004	Street Rehabilitation	\$108,022.52	\$108,022.52	
01-480-915-0002	Library Outside Brickwork	\$20,000.00	\$20,000.00	
01-480-932-0011	Police Impound Building	\$48,350.00	\$48,350.00	
01-480-933-0000	Police Building Maintenance	\$6,169.67	\$6,169.67	
01-480-961-0001	Fire Dept. Repair Program	\$20,000.00	\$20,000.00	
01-480-962-0006	PW Garage Upgrade I	\$45,000.00	\$45,000.00	
01-480-962-0004	PW Equipment Replacement	\$85,000.00	\$85,000.00	
01-480-962-0006	PW Garage Upgrade II	\$50,000.00	\$50,000.00	
01-480-963-0001	Memorial Annex Field Improvement	\$6,000.00	\$6,000.00	
01-480-964-0001	Nurses Office Ventilation	\$5,000.00	\$5,000.00	
01-480-965-0001	Housing Initiative	\$87,476.57	\$87,476.57	
	Total Capital Improvements			\$502,711.36
01-495-995-0100	Dilapidated Property Demolition		\$11,559.38	
01-495-995-0101	EPA Matching Funds 411 School Street - NDHS		\$40,000.00	
01-495-995-0398	Bridge Inspection Repair		\$109,915.97	
01-495-995-0403	Public Works Garage		\$96,048.29	
01-495-995-0502	Library Exterior Paint		\$8,400.00	
01-495-995-0706	Girls Softball Dugouts		\$3,312.65	
01-495-995-0707	Jericho Dam Upgrade		\$7,400.00	
01-495-995-0708	Rec & Parks Equipment		\$475.28	
01-495-995-0709	Rec Center Interior/Exterior		\$1,317.34	
01-495-995-0710	Practice Field Development		\$33,911.12	
01-495-995-0901	Police Building Maintenance		\$30,637.25	
01-495-995-0903	Police Anticipated Severance		\$1,975.00	
01-495-995-1001	City Hall Building Improvements		\$11,838.29	
01-495-995-1006	Nurses Office Ventilation		\$5,000.00	
01-495-995-1102	BTLA - Avitar		\$468.75	
01-495-995-1103	Assessors Map & Computer		\$370.00	
01-495-995-1104	Avitar Contract		\$1,007.62	
01-495-995-1106	Training Schools		\$3,500.00	
01-495-995-1110	Fire Dept. FEMA Grant Match		\$6,600.00	
01-495-995-1111	Master Plan Update		\$17,858.76	
01-495-995-1203	Public Works Equipment Replacement		\$78,119.35	
01-495-995-1304	Fire Dept. Addition		\$2,978.27	
01-495-995-1308	Fire Dept. Floor		\$17,500.00	
01-495-995-1310	Fire Dept. Bldg. Maintenance		\$2,550.00	
01-495-995-1311	Fire Dept. New Alert Pager		\$7,500.00	
01-495-995-2503	Retaining Wall Repair/Replacement		\$49,306.82	
01-495-995-2605	Sidewalk Replacement		\$20,000.00	
01-495-995-2606	Street Rehabilitation		\$3,305.64	
01-495-995-3502	Library Circulation Automation		\$6,075.64	
01-495-995-3503	Library Outside Brickwork		\$20,000.00	
	Total Carryover Capital Funds Requests from FY2007			\$598,931.42
Total General Fund Carryover Capital Improvement Funds Requested for FY2008			\$1,344,706.61	\$1,344,706.61
	BIDPA			
21-495-995-0001	Web Page Upkeep		\$3,366.00	
	Total BIDPA (Fund 21)			\$3,366.00
	Sewer Fund			
60-480-438-0011	CI - Inflow and Infiltration		\$12,735.80	

	Total Sewer (Fund 60)		\$12,735.80
Total Carryover Capital Improvement Funds Requested (All Funds)		\$1,360,808.41	\$1,360,808.41

This Resolution shall be in full force and effect from and after passage.

- Councilor Grenier moved with a second by Councilor Lafleur to have the resolution, removed from the table. So moved, the motion carried.
- Councilor Grenier moved with a second by Councilor Lafleur to have the resolution amended by adding \$2,300 to #01-402-210-5000 Service Contracts-Maps; \$10,500 to #01-410-716-0000 Comp Est; and to change the title of #01-495-995-1001 from City Hall Security to City Hall Building Improvements for a new total of \$1,360,808.41. So moved, the motion carried.
- Councilor Grenier moved with a second by Councilor Lafleur to have the resolution, as amended, read a second time by title only. So moved, the motion carried.
- Councilor Grenier moved with a second by Councilor Lafleur to have the resolution, as amended, read a third time by title only. So moved, the motion carried.
- Councilor Grenier moved with a second by Councilor Lafleur to pass the resolution, as amended. Roll call resulted in unanimous affirmative votes of Council including Mayor Danderson who declared the resolution, as amended, now passed.

4. Resolution appropriating a total of \$210,759.30 of grants from Fiscal Year 2007 to the Fiscal Year 2008 Budget. (tabled 8/20/2007) **Resolved by the City Council of the City of Berlin as Follows:**

That the following grants, accepted in Fiscal Year 2007, shall be appropriated to Fiscal Year 2008

Rev Acct #	Description	Grant Amount	2007 Expense	Grant Funds Re-Appropriated
	FUND 10 -- SCHOOL FEDERAL PROJECTS			
10-305-239-0000	Walmart Grant			1,000.00
10-305-239-0000	Walker Grant			2,121.71
10-305-239-0000	PBIS			1,496.10
10-305-240-0000	AV Roy			8,943.53
10-308-239-0000	Science LESCEN			28,710.10
10-311-239-0000	Science NCI			1,917.70
10-313-239-0000	NHEON			45,000.00
10-347-301-0025	Perkins			16,371.65
10-347-301-0035	Title I			101.49
10-347-301-0035	Title I			9,601.17
	Total Fund 10			115,263.45
	FUND 30 -- CITY GRANT FUND			
	Health Dept.			
30-361-604-0017	Hazard Mitigation Grant	339.83	-	339.83
30-361-604-0019	Public Health Community Initiative	5,555.36	2,693.72	2,861.64
30-361-604-0020	NC Health Consortium Pandemic Planning	3,360.00		3,360.00
30-361-604-0024	Home Care Association	675.00	-	675.00
	Fire Dept.			
30-365-602-0003	Walmart Grant	1,550.69		1,550.69
	Planning Dept.			-
30-366-603-6000	Donations - Glen Ave Revitalization	5,254.56	3,810.00	1,444.56
30-366-603-6002	Planning - DRED Grant	22,500.00		22,500.00
30-366-603-6003	Tillotson Grant/Master Plan	60,000.00		60,000.00
	Administration			
30-373-705-0000	City Hall Wellness Grant	2,918.29	154.16	2,764.13
	Total Fund 30	102,153.73	6,657.88	95,495.85
	Total Grant Revenues Re-appropriated			210,759.30

This Resolution shall be in full force and effect from and after passage.

- Councilor Grenier moved with a second by Councilor Poulin to have the resolution, removed from the table. So moved, the motion carried.
- Councilor Grenier moved with a second by Councilor Poulin to have the resolution, read a second time by title only. So moved, the motion carried.
- Councilor Grenier moved with a second by Councilor Poulin to have the resolution, read a third time by title only. So moved, the motion carried.
- Councilor Grenier moved with a second by Councilor Poulin to pass the resolution. Roll call resulted in unanimous affirmative votes of Council including Mayor Danderson who declared the resolution, now passed.

5. Resolution carrying over School Excess Revenues and Expenditures remaining for the year ended June 30, 2007. (tabled 8/20/2007)

Resolved by the City Council of the City of Berlin as follows: That the School Funds for the year

ended June 30, 2007 be carried over as described below.

Berlin Public Schools					
Updated 2006-07 Revenues - Revised 08/16/07					
				Chgs Updated v Final	
	FY 07	FY 07	FY 07	Amt of	% of
	DRA Apprvd	Updated	Final	Incr/(Decr)	Incr/(Decr)
Building Aid	\$216,039	\$215,681	\$215,681	\$ -	0.0%
Catastrophic Aid	\$173,593	\$250,437	\$250,437	\$ -	0.0%
Equitable Education Grant	\$8,642,713	\$8,642,713	\$8,642,713	\$ -	0.0%
Tuition	\$1,398,065	\$1,374,789	\$1,379,255	\$ 4,465.67	0.3%
Medicaid	\$66,000	\$155,801	\$159,656	\$ 3,854.58	2.5%
Other Local Revenue	\$0	\$ 67,700	\$ 78,811	\$ 11,110.88	16.4%
Total	\$10,496,410	\$10,707,121	\$10,726,552	\$ 19,431.13	0.2%
General Fund Expenditure Balance Remaining 06/30/07				\$165,777.82	
Total excess revenues and expenditure remaining from 2006-07:				\$185,208.95	

This Resolution shall be in full force and effect from and after passage.

- Councilor Lafleur moved with a second by Councilor Nelson to have the resolution, removed from the table. So moved, the motion carried.
- Councilor Lafleur moved with a second by Councilor Nelson to have the resolution, read a second time by title only. So moved, the motion carried.
- Councilor Lafleur moved with a second by Councilor Nelson to have the resolution, read a third time by title only. So moved, the motion carried.
- Councilor Lafleur moved with a second by Councilor Nelson to pass the resolution. Roll call resulted in 7 affirmative votes of Council including Mayor Danderson, 1 abstention (Councilor Cusson), and Mayor Danderson declared the resolution, now passed.

6. Mayor's Report.

- **Appointment to Cemetery Trustees: Cecile Ouellet** term to expire 8/2010
- Councilor Grenier moved with a second by Councilor Poulin to accept the Mayor's appointment. Roll call vote resulted in unanimous affirmative votes of Council including Mayor Danderson, So moved, the motion carried.
- **Appointment to Police Commission: Steve Griffin** term to expire 8/2010
- Councilor Grenier will support the Mayor's reappointment, because he has never gone against the Mayor, based on previous disagreements. Councilor Grenier believes that Mr. Griffin can do an effective job, but hoped that there would be no contract issues when the next PD contract negotiations are settled. We are a community that can not afford financial mistakes of that magnitude again.
- Councilor Donovan moved with a second by Councilor Nelson to accept the Mayor's appointment. Roll call vote resulted in unanimous affirmative votes of Council including Mayor Danderson. So moved, the motion carried.
- **PROCLAMATION: National Drug and Alcohol Recovery Month**
- Councilor Grenier moved with a second by Councilor Nelson to accept the Mayor's Report and place it on file. So moved, the motion carried.

7. Resolution authorizing the change of scope for the Tillotson Grant and the NH Department of Resource & Economic Development North West Grant to include City of Berlin's Master Plan(1st read)

- Councilor Grenier moved with a second by Councilor Lafleur to table the resolution and schedule a public hearing for the September 17, 2007 meeting. So moved, the motion carried.

8. Resolution authorizing application to the US EPA Brownfields Program for a \$200,000.00 Cleanup Grant to remove hazardous substances found in the 411 School Street building as part of "The 411 School Street Revitalization Project." (1st read)

Councilor Grenier questioned the City Manager about the Superfund site at the Cell House on the Mill property owned by the state.

MacQueen: "I don't believe it's owned, but controlled by the state. The cell house Superfund site will have no effect on the School Street Project."

- Councilor Lafleur moved with a second by Councilor Nelson to table the resolution and schedule a public hearing for the September 17, 2007 meeting. So moved, the motion carried.

9. Other: Nothing in other.

10. City Manager's Report.

- FAQ about Dilapidated and Burnt Out Properties in Berlin
- Meeting on Park Connections
- Electrical Vendor Usage
- Youth After School Program
- Time Warner Cable Petition to FCC for Special Relief
- NADC Stack Demolition. Scheduled Saturday, 9/15/07 @9:00 am. Details are forthcoming.
- PSNH Drawdown Change
- Manager's Time Attached
- Councilor Grenier moved with a second by Councilor Lafleur to accept/file the City Manager's Report as read by the City Manager. So moved, the motion carried.

11. Public Comments: No public comments

12. Council Comments:

- Councilor Grenier would like proper name plates for the new councilor ASAP. To have paper signs is a disservice to the new Councilors. It may not seem like a big thing but it is a big thing to him. The Councilors need to get the respect they deserve.
- Councilor Grenier would like to complain about 508 Champlain Street and though the Code Enforcement Officer has been to the building many times over the last 9 months, it has been nothing but a pigsty. "We have a neighborhood watch group of about 22 families that watch this property on a regular basis and we have Joe Martin and Health Inspector Laura Viger as well as the Police on a regular basis. We have garbage, dirt, garbage more garbage, they can't take out their own garbage, and it's a health hazard. Do we not have any enforcement tools? Isn't it time we take the landlord, and I'll use his name, Joe Dimauro to court, or the guys that own these properties to court to begin to enforce the fact that your not living on an island, you're living in a neighborhood. Pick up your garbage. They trimmed four trees and didn't have the smarts to pick up the branches. They left the branches on the sidewalk and on the street. If we don't have the ability to bring them to court, because they obviously can't manage the properties on their own, maybe we need to start shutting these down. This property here certainly doesn't have the right safety code to be running a six apartment building where he is located. The neighborhood is tired and it's not the only neighborhood, they are all over the place. I just happen to be lucky; I live in an active neighborhood that it's not just me complaining. We have a neighborhood watch group because we are worried about illegal activities emanating from that property. It's very serious. They are affecting my health and the health of my neighbors because they can't pick up their garbage. I have to have the city there twice a week because they aren't smart enough to pick up their own garbage. If we don't have teeth in those regulations to begin taking these people to court its time."
- CM MacQueen: "I'm not directly familiar with the property but I've heard Joe(Martin) talk about it."
- Grenier: "It's time to take these people to court. I'm sure it's logged how many times Joe Martin has been there. I'm sure you could print a 500-page ream of how many times he has been there or called to tell these people to clean up the dump."
- Donovan: "If it won't pass the maintenance code why aren't we enforcing, why aren't we citing these people with monetary fines?"
- MacQueen: "We have the ability to cite them with monetary fines, but the option of going to court is a problem, and that's not the only problem."
- Danderson: "We had an eviction on Paul Croteau out on Rte 110 and that place is just as bad as it ever was."
- MacQueen: "In that case, the deal we worked out with the owner the owner hopefully will in fact take the property back. That's our hope."
- Grenier: "It's time, we have got to set a couple of strong examples because we are about to have a bright young lady join this council and we could all get bogged down because we don't have enough will to enforce the stuff we already have on the books."
- MacQueen: "Absolutely we have look at these, but it doesn't happen all immediately, all of a sudden we're in pro-active mode where we've taken more properties with 155b, we did a blitz that resulted in 300 units with some 1000 violation that have to be followed up on. We have a couple of people to do that with and we will do it. But it doesn't happen immediately. The Session Street, the Second Street and the Croteau property as you all know, we've gone to court over and over on the Croteau property, it doesn't necessarily solve the problem. We'll march back into court again when and if we can if the owner isn't successful on taking back the property and we'll take all of these to court. But we simply can't do it all at once, and it does take time and it is frustrating and you have to have a case otherwise you won't get anywhere. I'm quite sure Joe Martin is on top of this. We are overwhelmed with these kinds of things, but we'll keep plugging. Nothing was happening on these things for years, now things are starting to happen, we just can't do it all at once."
- Grenier: "I'm talking open garbage that's been a constant problem, that was in our codes before we had the housing regulations."
- Lafleur: "I believe the ordinance says 24 hours before rubbish pick-up."
- Grenier: "I can tell you what's going to happen, neighbors will start to take things into their own hands. Then you've got a problem."

- Donovan: "We already got people from Sessions and Second Ave writing to the paper because it took Joe six months to clean-up that property and then we only got it cleaned up is because the guy that was doing it went to jail. Joe didn't put him in jail; his own stupidity put him in jail."
- MacQueen: "But we could only partially act the fact that he's in jail means we can't finish the job because he's in jail. So it wasn't really a blessing, we were hoping he wouldn't go to jail because then we could have handled it in court."
- Lafleur: "Main Street Program has done a nice job cleaning up the unused storefronts on Main Street. Now you're not seeing trash and dirty windows as you walk up Main Street."
- Mayor Danderson: "Two people on High Street have a couch and a chair on High Street, we need to send an officer over there to tell them to remove them from the sidewalk. It's sad when people can't take care of their yards."
- Grenier: "People in this community are going to take over if we can't do our jobs. People within the community are sick and tired of these transient people being pigs in their neighborhood."
- Donovan: "Do we have a process for fining?"
- MacQueen: "We have have a citation ordinance which we have used, but didn't feel it would help with these people, we need to bring them to court."
- Mayor Danderson: "Is the landlord accountable?"
- MacQueen: "In most cases that's who we go after, we go after the tenant too."
- Grenier: "I'd like to meet with the Police Commission to deal with enforcement issues, we live in a community that because the police commission was set-up to insulate the enforcement part of the community from the political part of the community there are a lot of vehicles driving around on 20 day plates or ten day plates ¾ of which have expired. I think its also time, you're going after the same type of person, I think its high time for enforcement if they need a little bit of money from us to do that job, start taking these vehicles off the road because most of those vehicles are not worthy. With a paper plate they don't need an inspection sticker and they're expired. It compounds the problem."
- Donovan: "You're lucky if they have insurance."
- Grenier: "Exactly, we need to make sure that the 20-day tags are legal. If they're not legal, take the car off the road until they have a legal tag and inspection sticker."

13. Adjournment: There being no further business to come before the Council at this time, Councilor Grenier moved with a second by Councilor Lafleur to adjourn the Regular City Council Meeting and enter into Non-Public Session per RSA 91-A: 3,II(d) **Land Matters**. Roll call vote resulted in unanimous affirmative votes of Council including Mayor Danderson. So moved, the regular meeting adjourned at approximately 9:15 p.m.

A TRUE RECORD, ATTEST:

Kristia Davis, Deputy City Clerk

